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(Motion for *Pro Hac Vice* admission granted)

-- and --

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*Co-Counsel to Russell Nype and
Revenue Plus LLC, Judgment Creditors*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re

BARNET LOUIS LIBERMAN,

Debtor.

Case No. 8-21-70611-REG

Chapter 11

**SUPPLEMENTAL OPPOSITION TO
DEBTOR'S MOTION FOR ORDER
APPROVING SETTLEMENT AND
DEBTOR'S MOTION FOR ORDER
AUTHORIZING THE DEBTOR TO
OBTAIN POSTPETITION FINANCING**

Date: May 24, 2021

Time: 10:00 a.m.

Russell Nype and Revenue Plus, LLC, ("Nype"), judgment creditors, by and through their co-counsel, Rivkin Radler LLP and Schwartzer & McPherson Law Firm supplement their oppositions (ECF Nos. 46 and 47) to the Debtor's Motion for Order Approving Settlement (ECF No. 22) and the Debtor's Motion for Order Authorizing Postpetition Financing (ECF No. 23) with

the following additional evidence:

At his deposition taken on May 14, 2021,¹ the Debtor testified:

- a. He has no income other than social security and unemployment. (Page 83, lines 9-15)
- b. He and his wife have not made any mortgage payment on their residence in East Hampton since “perhaps May 2020” or “Maybe December of 2019.” (page 83, line 16-page 84, line 2).
- c. He doesn’t know if any mortgage payments have been made on the December 2019 Mortgage to Gary M. Rosenberg (Exhibit 9 to the Opposition) encumbering Apartment 805. (page 19, lines 6-9)
- d. He couldn’t recall paying interest on the 11 older unsecured promissory notes to Gary M. Rosenberg (Exhibit 8 to the Opposition). (page 15, lines 8-18)
- e. That paying the expenses of Apartment 805 or the house in East Hampton would not benefit the creditors or the estate. (Page 98, line 20-page 99, line 21)
- f. That the proposed Profit Participation Agreement will not provide any future benefit to the Debtor. (Page 102, lines 10-20)

Dated: Las Vegas, Nevada
May 20, 2021

SCHWARTZER & MCPHERSON LAW FIRM
*Co-Counsel to Russell Nype and
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¹ A copy of the Transcript is attached as **Exhibit 16**.

Dated: Uniondale, New York
May 20, 2021

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